



A G E N D A

GILA COUNTY BOARD OF ADJUSTMENT

Gila County Supervisors Conference Room

610 E. Highway 260, Payson, AZ

Community Development Conference Room

745 N. Rose Mofford Way, Globe, AZ

9:00 A.M.

April 18, 2019

REGULAR MEETING

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Mary Lou Myers, Bill Marshall, Mickie Nye
4. Review and Approval of Minutes of the Board of Adjustment Hearing on March 21, 2019.

5. **Director/Planner Communication:**

At any time during this meeting of the Board of Adjustment, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Public Hearing:

6. **AV-18-22 Beaver Valley Improvement Association:** Application was approved by the Community Development Division and appealed by Michael Armstead.
7. **V-19-02 Daniel & Shauna Rensch:** The applicant is requesting a variance to obtain a 7' rear yard setback to convert an existing attached carport to livable space and an 18' front yard setback for a new attached addition.
8. Adjournment



**MINUTES OF THE GILA COUNTY
BOARD OF ADJUSTMENT
Thursday March 21, 2019
9:00 AM**

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM
610 E. Highway 260, Payson, AZ
GILA COUNTY COMMUNITY DEVELOPMENT CONFERENCE ROOM
745 N. Rose Mofford Way, Globe, AZ

REGULAR MEETING

1. The meeting was called to order at 9:00 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Mary Lou Meyers.
3. Roll Call: Scott Buzan did the roll call; Mickie Nye (in Globe), Bill Marshall -absent, and Mary Lou Myers (in Payson). A quorum is present.

Community Development Staff Members Present: Debby Bradway, Environmental Planning Tech and Director Scott Buzan

4. Review and Approval of the Board of Adjustment Minutes on January 17, 2019. Chairman Nye asked if there were any changes needed to the minutes. No changes were suggested. Ms. Myers motioned that the minutes be approved as is and Chairman Nye seconded the motion. The motion was unanimously approved.
5. **Director/Planner Communication:**
Mr. Buzan announced that Therese Berumen took a position with the Health Department and that is why she is not in the meeting. He explained that we are going through the hiring process and hope to get someone in her position soon.

Public Hearing:

6. **V-19-01 Ron Sattelmanier for Water Wheel Fire and Medical District:**

The applicant is requesting a variance to allow a 40 square foot sign that is located on the fire house building to remain, where a 6 square foot is the maximum size permitted in the zoning district.

Mr. Buzan thanked Chief Sattelmanier for working with Community Development because of the postponement last month due to the record-breaking snowstorm. Staff appreciated his patience.

Mr. Buzan pointed out a memorandum in the Board's agenda packet from Ms. Dahlke that clarifies the information in the staff report on the length of time the previous sign was located at the fire station. The sign itself is thought to be thirty years old but was installed on the building in 2005.

Mr. Buzan stated that the Water Wheel Fire and Medical Station is located in Whispering Pines, subdivision, approximately 10 miles north of Payson. The wall mounted sign mostly faces the Houston Mesa Rd which is the main artery through Whispering Pines and provides access to other subdivisions.

The sign advertises the District and provides district and community information. Properties impacted by the lighted sign include a lot to the south with a single-family residence on it and the Forest Service Land to the west. No objections were received to this Variance request. The Fire Department had a smaller lighted sign mounted on the same location since 2005 and the reason for this Variance request is the new 40 sq. ft. sign is greater than the maximum 6 sq. ft. allowed by the zoning ordinance. The sign requires a sign permit which ensures compliance with zoning and dark sky ordinances. Staff recommends the Variance be granted to permit the 40 sq. ft. replacement sign. Staff suggests the following motion for approval which differs slightly from the staff report: "Motion to approve Gila County Variance Case No. V19-01 to permit a 40 sq. ft. illuminated wall mounted sign on the Water Wheel Fire & Medical District building located at 10603 N Houston Mesa Rd, subject to the condition that the applicant shall contact the County and request a final inspection of the sign within thirty calendar days of this approval".

Mr. Buzan offered to answer any questions and pointed out to the Board that Chief Sattelmanier is present to answer any questions as well.

Chairman Nye asked if the new sign was already installed.

Mr. Buzan stated that the new sign is installed. They went through a local sign company and the sign company did not obtain a sign permit, so it started out as a complaint. They then came right in and submitted plans for the sign, we permitted it, and afterwards staff realized that it was larger than what zoning allowed. Finalizing the permit is on hold until the Variance was either approved or disapproved.

Chairman Nye asked if it was a neighbor that complained.

Mr. Buzan stated that he didn't know who complained.

Chairman Nye asked what traditionally will go on the sign. He wanted to make sure they aren't going to market a local business down the road and it is strictly for community information or public awareness.

Mr. Buzan stated that as far as he is aware that is correct, and that Chief Sattelmanier could correct him if he is wrong. They have been advertising brush pit during the summer, they advertise that they have breakfast in the summer on certain Saturdays, board meeting notices, when the pit is closed, maybe if the forest is closed, that type of thing. It's for community notices and district meetings.

Ms. Meyers stated to the Chairman that she noted that he had changed this motion to say the illuminated sign.

Chief Sattelmanier stated that it's on a timer with illumination starting at 6 pm in the evening and off at 10 pm.

Mr. Buzan stated that meets the requirements for zoning and it meets the Dark Sky Ordinance because it doesn't shine up. This was all handled through the sign permit process.

Ms. Meyers asked if they needed to make a stipulation that only community items be put on the sign, rather than advertising any business.

Chairman Nye stated that that would make him more comfortable, because if we make this succession for this group, what will the next group come in and do? "I think we need to tie it to what's good for the community".

Ms. Meyers asked Mr. Buzan if he had a comment about whether he thought they would need a restriction on the sign.

Mr. Buzan stated that he didn't really see it being an issue because he didn't know what else they would advertise.

Chief Sattelman stated that the sign is strictly for the Fire District and the community.

Mr. Buzan stated that was all they ever advertised on the old sign, and the new sign as well so far.

Chairman Nye stated to Ms. Meyers that he is okay with it.

Mr. Buzan then stated that Ms. Bradway just informed him that it was one of the County inspectors that saw the sign in the first place.

Chairman Nye asked if someone from the County could please reach out to this sign installer and let them know that we do have rules?"

Mr. Buzan replied that we have dealt with them previously and had issues with them previously. They are not registered with the Registrar of Contractors as far as we are aware. They believed that since they were replacing the sign, they didn't need a permit. We have corrected them on their thinking.

Chairman Nye said "ok, it is just frustrating, that's all".

Ms. Bradway said they have been more diligent about permitting other signs since this incident.

Mr. Buzan said they work under somebody else's license.

Chairman Nye asked if anyone had other questions and asked if anybody from the public wanted to make a comment or statement.

Ms. Evelyn Wilkerson, 400 W Blackberry Lane, stated that she was shocked that they had to get a permit in the first place since new sign was not much different than the old sign.

Mr. Buzan explained that the building code requires any remodel, replacement, a whole slew of items that require a building permit. The sign contractor should have been aware.

Chief Sattelman agreed with Mr. Buzan's statement.

Ms. Myers made a motion to approve Gila County Variance V-19-01 to permit a 40 sq. ft. illuminated wall mounted sign on the Water Wheel Fire & Medical District building located at 10603 N. Houston Mesa Rd, subject to the condition that the applicant shall contact the County and request a final inspection of this sign within 30 calendar days of this approval.

The motion was seconded by Chairman Nye

The motion was unanimously approved.

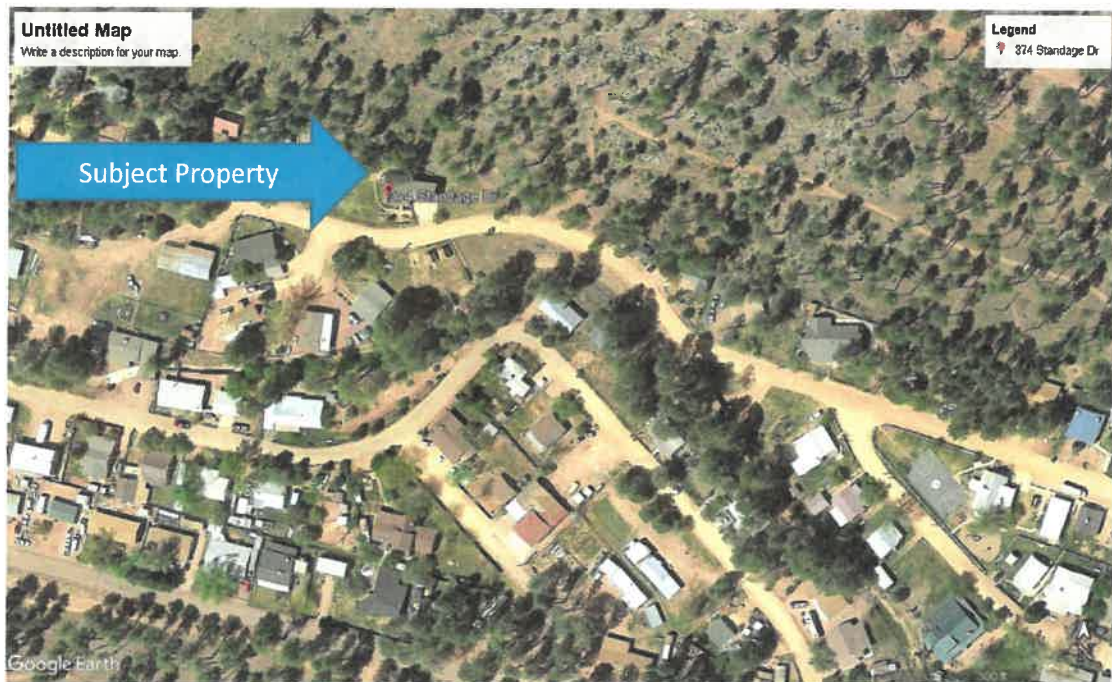
7. Adjournment. Chairman Nye made a motion to adjourn the meeting and Ms. Myers seconded the motion. The motion to adjourn was unanimously approved at 9:16 A.M.

DRAFT



**STAFF REPORT
TO THE
BOARD OF ADJUSTMENT**

VARIANCE APPLICATION V-19-02



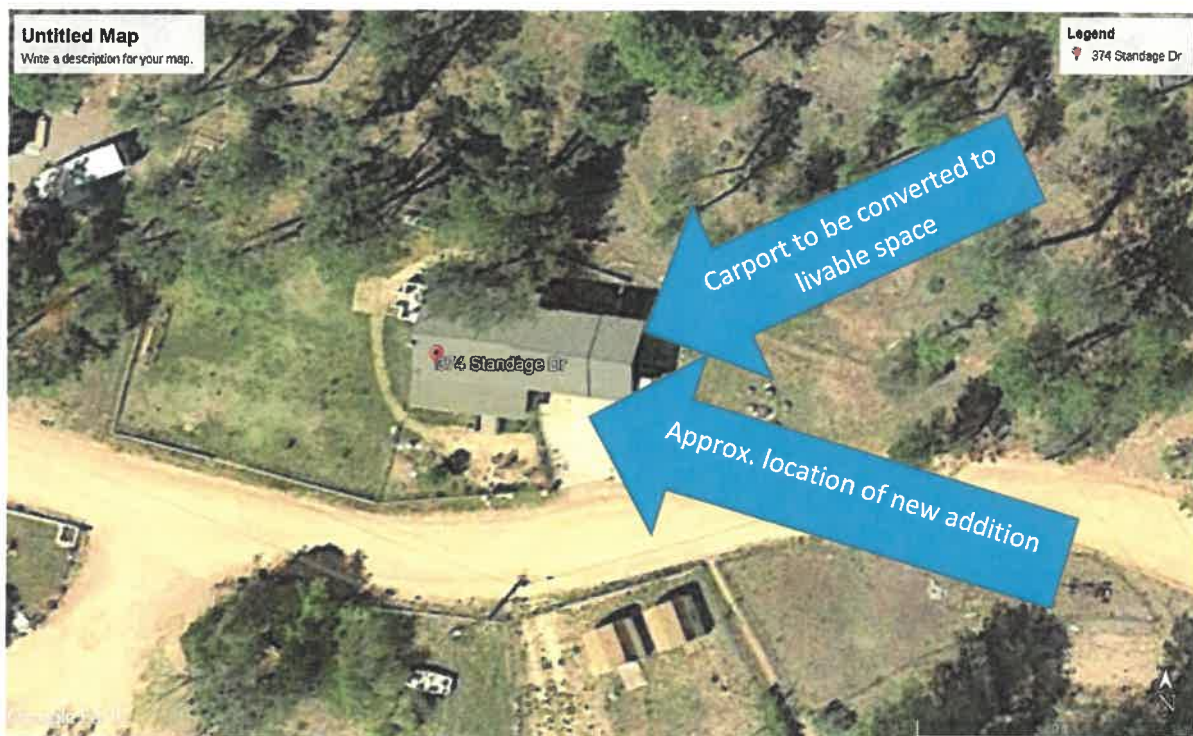
**V-19-02
Public Hearing
April 18, 2018
610 E. Highway 260
Payson, AZ**

I. Application

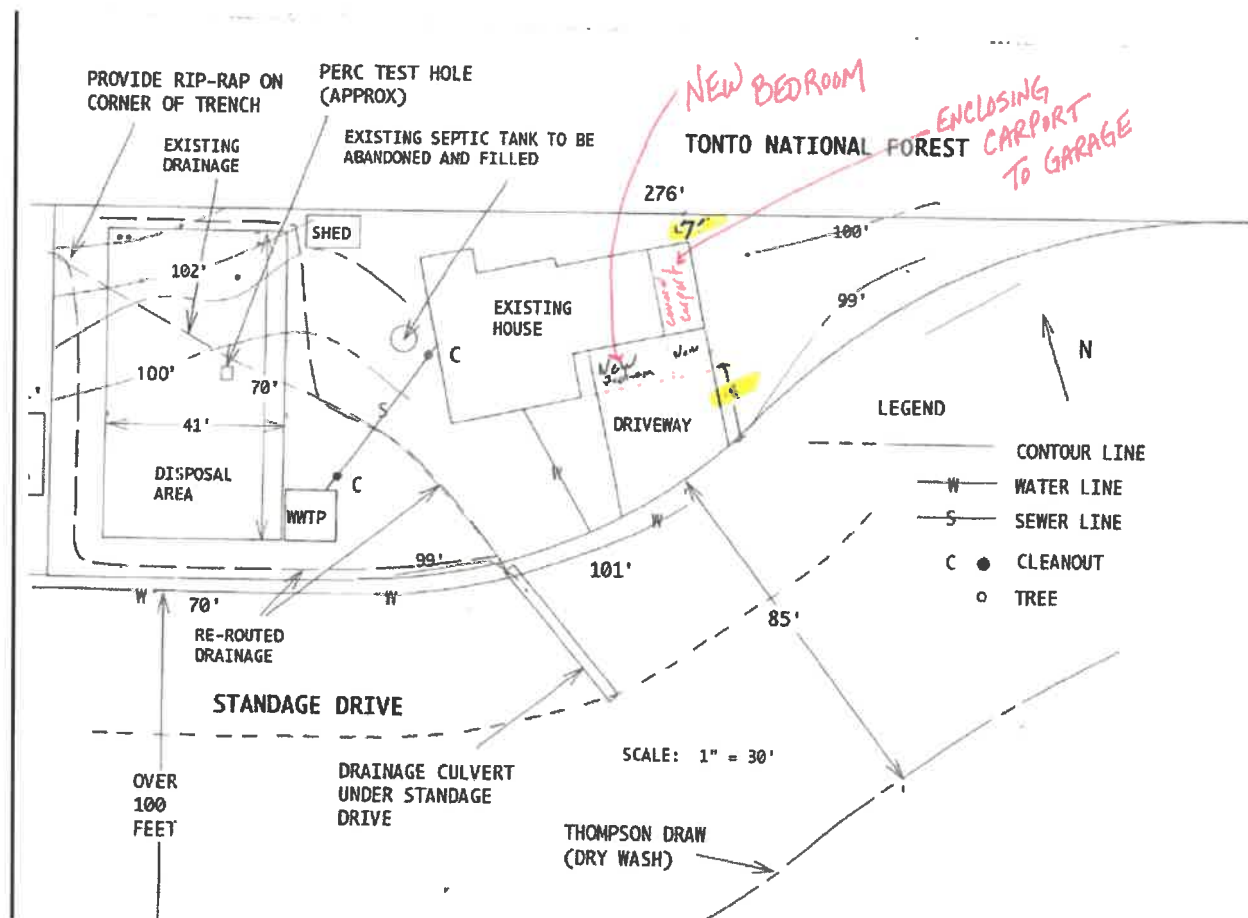
Applicant Name	Noble Building LLC
Applicant Address	236 West Thompson Road, Payson, Arizona 84451
Property Owner	Daniel and Shauna Rensch
Site Address	374 West Standage Drive, Payson, Arizona 85541
APN Number(s)	302-63-081A
Current Zoning	General Unclassified
General Plan Designation	Residential (0.4 to 1 unit per acre)
Application Number	V-19-02

II. Purpose of the Request

On behalf of the property owner, the applicant is requesting a variance to obtain a 7' rear setback to convert an existing attached carport into livable space and an 18' front setback for a new building addition.



The applicant provided a site plan which illustrates in more detail the location of the existing carport and the new bedroom addition on the front of the property. The site plan is located on the following page.



III. Background

The Community Development Department has records dating back to 1988 where a permit was issued for a porch, a new bathroom and repairs to an existing front porch. The main residence was constructed some time before then but the exact date is unknown. County Assessor records indicate the main residence was constructed in 1982. The current owner purchased the property in 2018.

IV. Analysis

Per Section 101.3.H of the Gila County Zoning Ordinance ("Zoning Ordinance"), a variance shall only be granted under four criteria (see excerpt from Zoning Ordinance below):

A variance shall be granted under the following:

- Due to special circumstances applicable to the property, including its size, shape, topography, location, impact to adjoining property uses and destruction of vegetation, the strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
- That a grant of a variance will be subject to conditions as will ensure that the adjustment authorized will not constitute a grant of special privileges inconsistent

with the limitations upon other properties in the vicinity and zone in which such property is located.

- c. The special circumstances applicable to the property are not self-imposed by any person presently having an interest in the property.
- d. The variance will not allow the establishment of a use which:
 - i. is not otherwise permitted in the zoning district;
 - ii. would result in the extension of a non-conforming use; or
 - iii. would change the zoning classification of any or all of the property.

Criteria A: There are several special circumstances that exist on the property which limit opportunities for the property owner. For example, the lot has an unusual configuration, particularly as it transitions from a rectangular shape on the west to a triangular shape on its east side. In addition, when the house was constructed, the County was not enforcing the rear yard setback requirement adjacent to forest land when today, it is enforced, and this impacts the enclosure of the existing carport on the rear of the property. Additionally, the septic tank and related leach field take up a substantial amount of land on the western portion of the property and the unusual lot configuration along the property frontage leave little room for expansion and still meet the front yard setback.

Criteria B: Granting the variances will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity of the zoning district in which it is located. While most new additions or conversions of structures must meet current setback requirements, the existing residence has been in existence for 37 years and due to the limitations discussed is Criteria A; there are limited options to make the proposed changes to the property. Other property owners in the area and within this zoning district have the ability to apply for a variance under similar circumstances.

Criteria C: The existing residence was constructed in the 1982 and at that time, the rear yard setback requirement was not enforced adjacent to forest land. To enclose the carport, current rear yard setback requirements are activated. Staff does not believe that the carport enclosure is a self-imposed situation. As for the front building addition, staff goes back to the argument that the shape of the parcel is a hardship in and of itself and not a situation created by the property owner.

Criteria D: The granting of a variance will not allow the establishment of a new use. Additionally, granting the variance will not result in the extension of a legal nonconforming use or change the zoning classification of the property.

V. Recommendation

Staff recommends approval of the variance request. Should the Board wish to approve the variance, the following motion is suggested:

Motion to approve Gila County Variance Case Number V-19-02, to permit a 7' rear yard setback to convert an existing carport to livable space where 20' is required, and to permit an 18' front setback for a new bedroom addition where 20' is required, subject to the following condition:

1. The applicant shall obtain all necessary building permits from the Gila County Community Development Department.



Gila County Community Development Department
Planning & Zoning Division

745 N Rose Mofford Way
Globe, AZ 85501
(928) 402-8512
FAX: (928) 425-0829

608 E Highway 260
Payson, AZ 85541
(928) 474-9276
FAX: 928-474-0802

VARIANCE APPLICATION

Date: 2-13-19
Applicant Name: Noble Building LLC / Byron Tanenhaus Phone No.: 928 478-0059
Mailing Address: 236 W. Thompson rd
Signature: [Signature]
Email Address: noblebuildingllc@yahoo.com

If the applicant is not the owner, please provide the owner's name below and complete the Authorized Agent form attached to this application form.

Owner's Name: Daniel and shawn Rensch 602-618-2045

If the subject property is part of a homeowner association (HOA):

Name of HOA: NA Phone No.: _____
Contact Person at HOA: _____
Mailing Address: _____
Email Address: _____
Property Address: 374 W. standage dr
Property Parcel No.: 302-63-081A

FOR OFFICE USE ONLY

Case File No.: V-19-02 Permit # P1902040 Zoning of Property: GU APN # 302-63-081A
\$300 Fee Paid Check No.: 07535 Credit: _____ Cash: _____ Date: 2-14-19
Authorized Agent Form Received (If applicable): _____
Date notices mailed to applicant & adjacent property owners: _____ BOA Hearing Date: _____
Approved: _____ Denied: _____

Updated 2-3-19 (MD)



ROC196453

236 W. Thompson Road Payson AZ 84451

Phone: (928) 478-0059

FAX: (928) 441-1511

E-MAIL: noblebuildingllc@yahoo.com

February 13, 2019

Daniel and Shauna Rensch
374 W. Standage Drive
Payson AZ 85541
302-63-081A

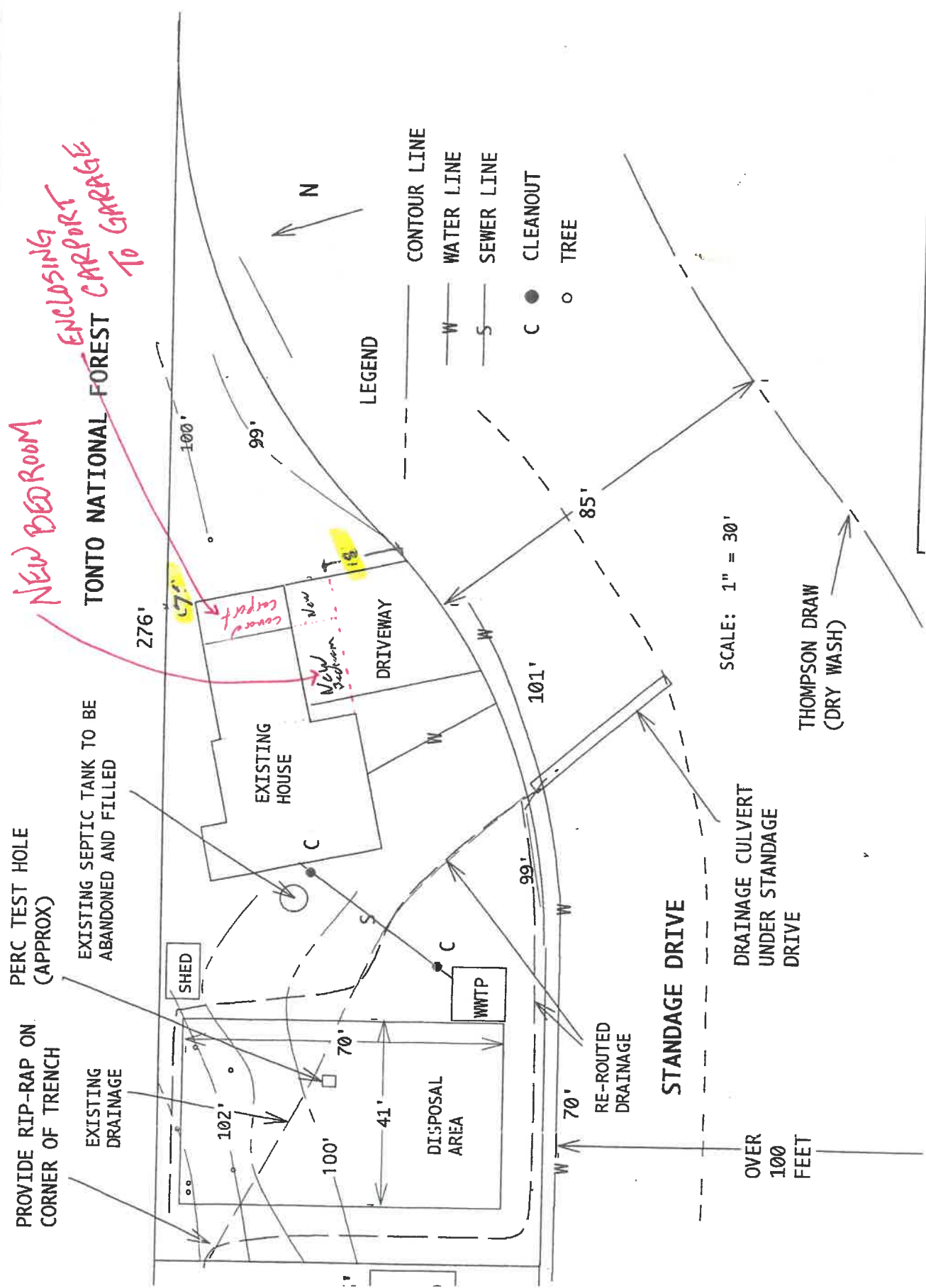
I am requesting a variance for the front and rear setbacks, of an existing attached car port to be converted to a garage and bathroom as I cannot meet the setback requirements.

Respectfully,

J. Byron Tanenhaus
Noble Building LLC

7' Rear for Conversion & 18' Front for Addition

13



374 W. Stouderg
302-63-081A Rensch

Garage: 11'-1" X 20'-3" 9' CEILING

Bedroom 4 (Left): 9'-6" X 20'-5" 9' CEILING

Bedroom 4 (Right): 9'-6" X 20'-5" 9' CEILING

Bathroom: 5'-0" (width)

Stairs: UP

Exterior Dimensions:
 Top: 40'2 1/2" PW
 Left: 40'3 1/2" X
 Right: 30'5 1/2" H, 30'7 1/2" H

GARAGE

11'-1" X 20'-3"

9' CEILING

BEDROOM 4

9'-6" X 20'-5"

9' CEILING

BEDROOM 4

6" X 20"-5"

8' CEILING

H5050E

30505H

8070

40209w

0x0307

2668

2868

4'-0"

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57997

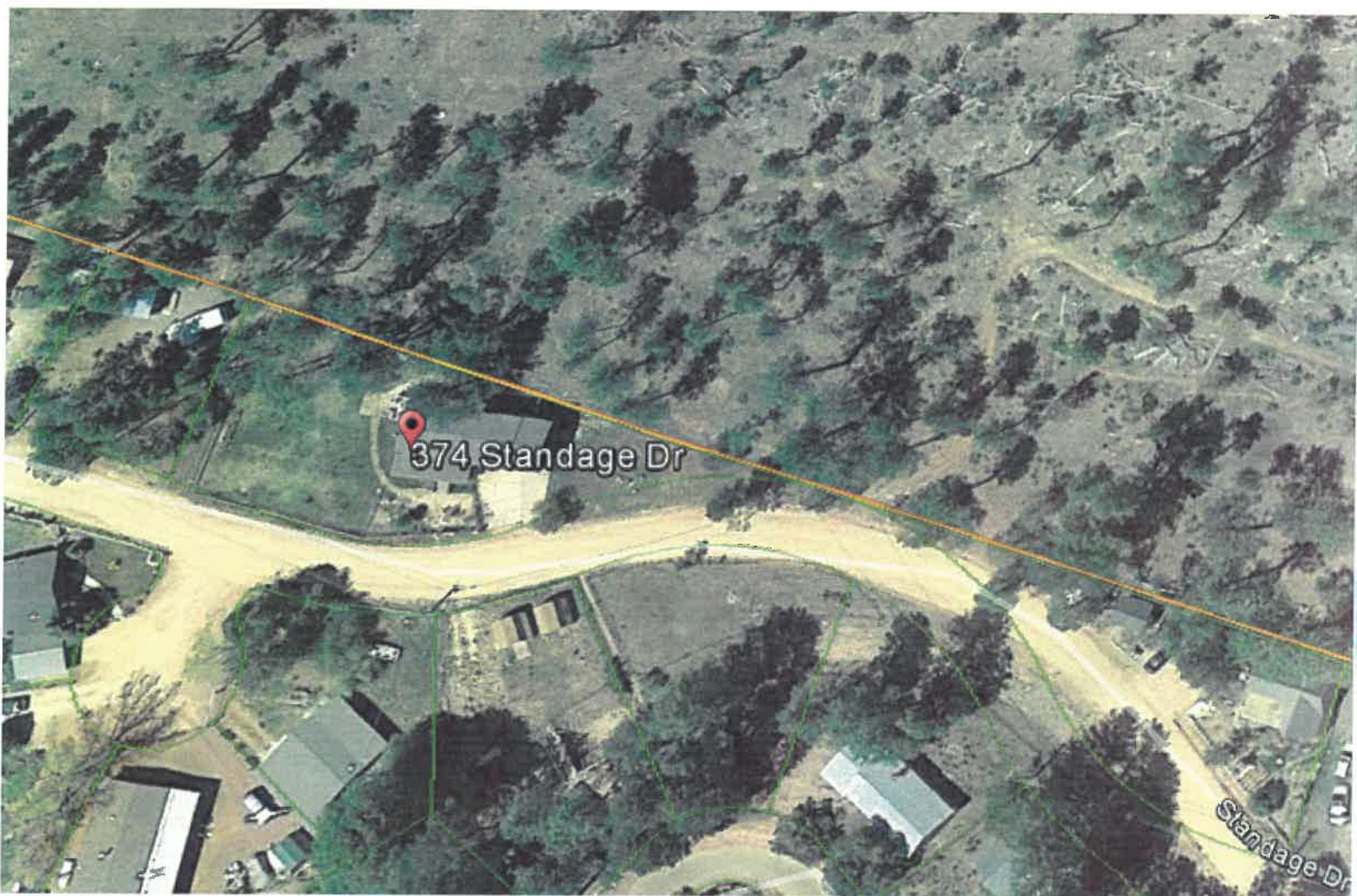
3068

— 699 —

890E

010





PROPERTIES 300'

V-19-02

Rensch

PT SE 1/4 SE 1/4 SECTION 5 T11N R11 1/2E
 PT NE 1/4 NE 1/4 SECTION 8 T11N R11 1/2E
 PT SW 1/4 SW 1/4 SECTION 19 T11N R12E
 PT NW 1/4 NW 1/4 SECTION 30 T11N R12E

302-63
 2 of 2
 CODE 1012
 UPDATED 4-17-18

TONTO VILLAGE 2
 Gila County Recorded Plat 245

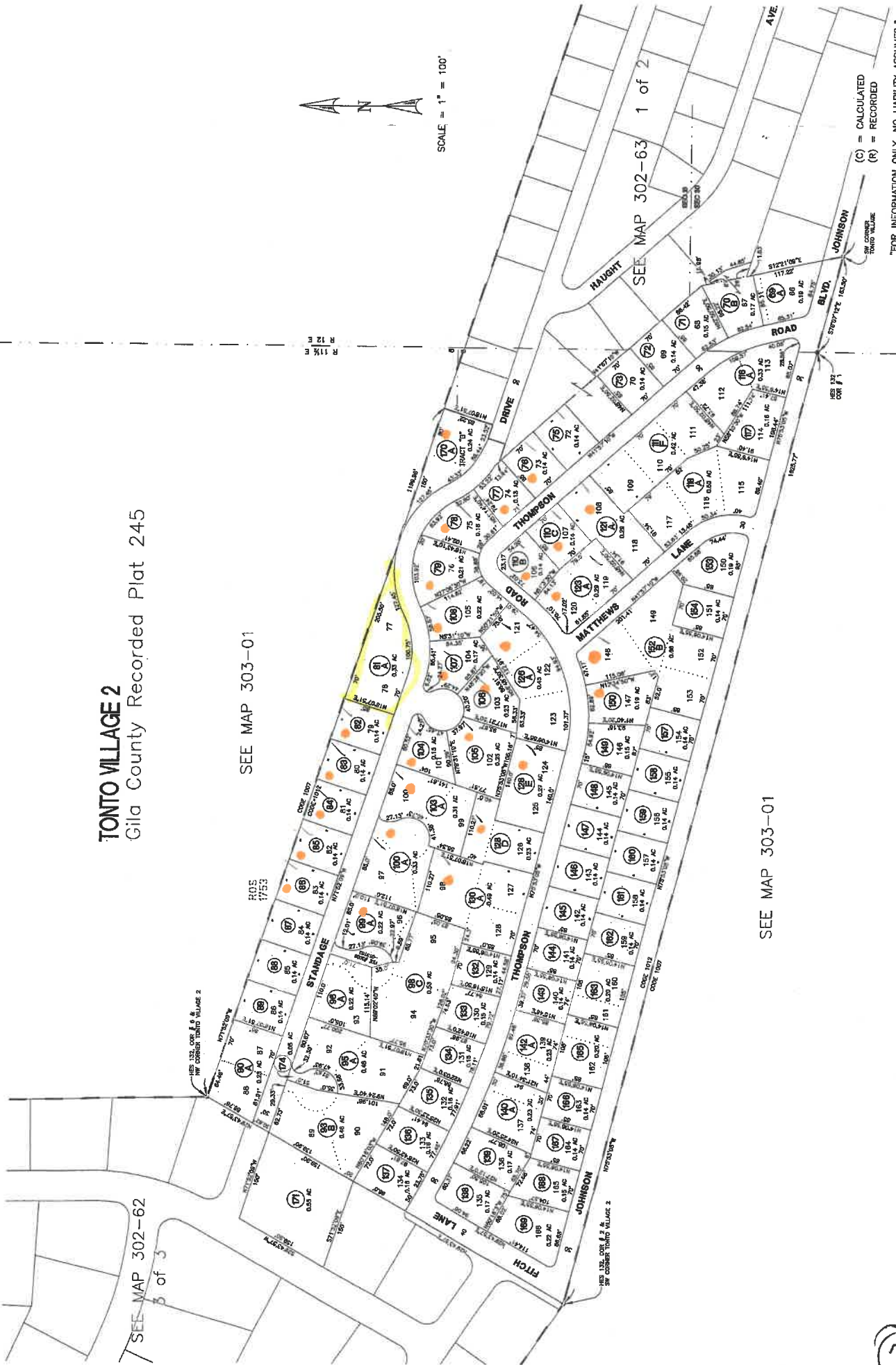
SEE MAP 302-62
 3 of 3

SEE MAP 303-01

SEE MAP 303-01



SCALE = 1" = 100'



7

Deborah Huss
1814 W Rovey Ave
Phoenix, AZ 85015
302-63-086

Selma Klokic
1013 W Groovers Ave
Phoenix, AZ 85041
302-63-083

Community Property LLC
140 W. Thompson Rd.
Payson, AZ 85541
302-63-103A
302-63-130A
Joe & Linda Ceja
387 W Standage Dr.
Payson, AZ 85541
302-60-106

Michael & Chandra Harper
202 W Standage Dr.
Payson, AZ 85541
302-63-100A

Richard & Georgia Paulsen
1200 Country Club Apt 3
Creston IA 50801
302-63-128E

Chad Stluka
177 W Thompson Rd.
Payson, AZ 85541
302-63-110B

Kendra Lewinson
182 N Matthews Ln.
Payson, AZ 85541
302-63-123A & 152B

Frank Sherry
2543 E Libby St.
Phoenix, AZ 85032
302-63-085

Robert & Eileen Frederick
15212 N 20th St
Phoenix, AZ 85022
302-63-082

Grant & Marie Coley
403 W. Standage Dr.
Payson, AZ 85541
302-63-104

Gerald & Valorie Melton
25360 W US Hwy 85
Buckeye, AZ 85326
302-63-107

William Standage
409 S. El dorado
Mesa, AZ 85202
302-63-079 & 078

Edward & Cheri Padilla
214 W Thompson Rd.
Payson, AZ 85541
302-63-126A

Hunter Fitch
169 W Thompson Rd.
Payson, AZ 85541
302-63-110C

Stephen & Sandra Slack
213 W. Thompson Rd.
Payson AZ 85541
302-63-150

Mark & Angela Vargovich
PO Box 2749
Gilbert, AZ 85299
302-63-084

Andrew & Heather Young
3556 N Reynolds Cir.
Mesa, AZ 85215
302-63-099A

Roxanne Martin
391 W Standage Dr.
Payson, AZ 85541
302-63-105

105 Payson LLC
14626 N 42ND St.
Phoenix, AZ 85032
302-63-108

Byron & Talley Tanenhaus
236 W Thompson Rd.
Payson, AZ 85541
302-63-128D

Dean & Sabrina Taylor
2708 E Pueblo Ave.
Mesa, AZ 85204
302-63-077 & 076

Scott Haack
151 Matthews Ln.
Payson, AZ 85541

Daniel & Shauna Rensch
374 W Standage Dr.
Payson, AZ 85541
302-63-081A
Home Owner

ZONING HEARING GILA COUNTY

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Gila County Board of Adjustment and Appeals will hold a public hearing on Thursday, April 18, 2019, at 9:00 a.m. to hear citizens who may wish to comment on Case No. V-19-02; Daniel & Shauna Rensch/Noble Builders LLC (Applicant), located at 374 West Standage Drive (Tonto Village II) in Payson, Arizona (APN# 302-63-081A) and zoned General Unclassified. The applicant is requesting a variance to obtain a 7' rear yard setback to convert an existing attached carport to livable space and an 18' front yard setback for a new attached addition.

The hearing will take place in the Gila County Board of Supervisors' Conference Room located at 608 East Highway 260 in Payson, Arizona and will be simultaneously telecast to the Community Development Conference Room located at 745 North Rose Mofford Way in Globe, AZ.

Case No. V-19-02 is available for review at the offices of Gila County Community Development located at 745 North Rose Mofford Way in Globe, Arizona or 608 East Highway 260 in Payson, Arizona between 8:00 a.m. to 5:00 p.m.

DATED AND POSTED this 3rd Day of April, 2019

Gila County Planning and Zoning Commission

Michelle Dahlke
Senior Planner
Gila County Community Development

POSTING CERTIFICATE

File Number & Name V-19-02 Rensch

Meeting of: ☐ P & Z Commission ☐ Board of Supervisors ☒ Board of Adjustment & Appeals

Meeting Date: April 18, 2019

Number of Postings: _____

Date to be Posted: 4/3/19

Date Posted: 4/3/19

Location:

1. ON FENCE FRONT OF 374 STANDAGE
2. POLE SOUTH OF STOP SIGN ROUTE / STANDAGE
3. POLE SOUTH OF STANDAGE @ HAUGHT
4. _____
5. _____

By: 

POSTING INSTRUCTIONS (Per Par. A, A.R.S. Sec. 11-814)

Posting is to be no less than two places with at one notice for each ¼ mile of frontage along perimeter public rights-of-way, so notices are visible from the nearest public right-of-way.



W-19-02 Kensch 4-3-19 pic (1)

Posting @ Residence

11



(1)



V-19-02 · Rensch

4-3-19

pic (2)

Corner of Tonbo + Stewardage

2#



V-19-02 Riensch 4-3-19 Pic (3)

Corner of Standage + Haight

#2

(13)

POSTING CERTIFICATE

File Number & Name

Meeting of: ☒ P & Z Commission ☐ Board of Supervisors ☒ Board of Adjustment & Appeals

Meeting Date: 4/18/19

Number of Postings: _____

Date to be Posted: 4/3/19

Date Posted: 4/3/19

Location:

1. Public Works Admin slb
2. _____
3. Gila County Court house
4. Gila County Complex
5. _____

By: DB & BH

POSTING INSTRUCTIONS (Per Par. A, A.R.S. Sec. 11-814)

Posting is to be no less than two places with at one notice for each ¼ mile of frontage along perimeter public rights-of-way, so notices are visible from the nearest public right-of-way.